

MEMORANDUM

To: Planning Commission

From: Phillip Rupp

Date: April 27, 2010

Subject: Revisions to the LCC 17.140 Open Space

ISSUE:

Revising LCC 17.140 “Open Space” to comply with the State Department of Revenue audit report eliminating the time restriction a property owner can participate in the Open Space Farm and Agricultural Conservation Land program.

BACKGROUND:

The Washington State Department of Revenue in September 2009 found in a Current Use audit that the Lewis County Code restricted the number of years a land owner could be in Space Farm and Agriculture Conservation Land classification to ten years. The ten years is more restrictive than state law under RCW 84.34 (The open Space Taxation Act).

DOR states in summary: “The county legislative authority cannot restrict the amount of time property is in the open space farm and agricultural conservation land classification.”

The County immediately ceased any practice of limitation; county code must also be changed to conform to state law and county practice.

The Assessor decided to take the opportunity at this time to make other changes to correct errors and make the code more “user friendly”. Chapter 17.140 would be revised as proposed in the attached draft with Tables 1 and 2 being eliminated entirely. The Qualifying Criteria and Scoring Sheet for Open Space Land would not be codified to permit changes as appropriate.

RECOMMENDATION:

The Planning Commission review the attached draft LCC 17.140 in workshop and set a public hearing to consider the changes on May 11, 2010.